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10 THE PROCTER & GAMBLE COMPANY

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 ROBERT PAYNE and STEVE
14 BARTILUCCI,

15 Plaintiffs,

16 vs.

17 MENU FOODS, INC., a New Jersey
18 corporation, PETCO ANIMAL SUPPLIES,
19 INC.; a Delaware corporation, SAFEWAY,
20 INC.; a Delaware corporation, THE
21 PROCTER & GAMBLE COMPANY, a Ohio
22 corporation, and DOES 1 through 50,

23 Defendants.

) **CASE NO. 07cv0705 JAH(GAB)**

) Honorable John A. Houston

) **NOTICE OF JOINDER OF**
) **DEFENDANT THE PROCTER &**
) **GAMBLE COMPANY TO**
) **DEFENDANT MENU FOODS, INC.'S**
) **MOTION TO STAY ALL**
) **PROCEEDINGS**

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1 Please take notice that Defendant The Procter & Gamble Company hereby joins in
2 the Notice of Motion and Motion to Stay All Proceedings [Docket Nos. 6 and 7] filed by
3 Defendant Menu Foods Inc. The arguments made in Defendant Menu Foods' Motion to
4 Stay are equally applicable to The Procter & Gamble Company, and thus are incorporated by
5 reference here.

6 Dated: May 14, 2007

HOWARTH & SMITH

7
8 s/Don Howarth
Don Howarth
9 Attorneys for Defendant
The Procter & Gamble Company
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CERTIFICATE OF SERVICE

I certify that on May 14, 2007, I caused the following document:

**NOTICE OF JOINDER OF DEFENDANT THE PROCTER & GAMBLE COMPANY
TO DEFENDANT MENU FOODS, INC.'S MOTION TO STAY ALL
PROCEEDINGS**

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

**Susan Moriarty Hack at hack@higgslaw.com
Richard Mark Segal at richard.segal@pillsburylaw.com;
charles.sandlin@pillsburylaw.com**

I further certify that I caused a copy of the foregoing document and the notice of electronic filing to be mailed by first class mail, postage prepaid, to the following non-ECF participants:

**Eric J. Benick, Esq.
KRAUSE KALFAYAN BENINK
& SLAVENS, LLP
625 Broadway, Suite 635
San Diego, California 92101**

Dated: May 14, 2007

s/Don Howarth
Don Howarth